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Ulrich Brunet

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MAGINOT, MOORE & BECK, LLP

CHASE TOWER

111 MONUMENT CIRCLE

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INDIANAPOLIS, IN 46204

EXAMINER

LE, NANCY LOAN T

ART UNIT

PAPER NUMBER

3621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,345	Applicant(s) BRUNET ET AL.	
	Examiner NANCY T. LE	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,21,23-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 21, 23-32, 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

Applicant's Amendment filed on *13 March 2009* is acknowledged.

All references to the capitalized versions of "Applicants" refer specifically to the Applicants of record. Any references to lower case versions of "applicant" or "applicants" refer to any or all patent "applicants". Unless expressly noted otherwise, references to "Examiner" refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally.

This paper is given Paper No. 20090607 by the Examiner. This Paper No. is for reference purposes only.

Status of Claims

Claims 20, 21, 23-32, 34-39 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20, 21, 23-32, 34-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3621

Claims 20 and 21 recite methods for carrying out an electronic transactions comprising many steps such as: *“a data interchange is performed between a first network subscriber node and a second network subscriber node with a first terminal at the first network subscriber node via a first communication network for stipulating transaction data for the transaction; an identification number for a second terminal at the first network subscriber node in a second communication network, different than the first, is input into the first terminal at the first network subscriber node by the first network subscriber node; the identification number and the transaction data are transmitted from the first network subscriber node to a third network subscriber node via a third communication network; the validity of the identification number is verified by the third network subscriber node, and an associated service provider node from a plurality of service provider nodes registered with the third network subscriber node is identified using the identification number; the verified identification number and the transaction data are transmitted from the third network subscriber node to the associated service provider node via a fourth communication network; a credit stipulated by the transmitted transaction data is reserved at the associated service provider node for the second network subscriber node by debiting an account at the first network subscriber node, which account is managed at the associated service provider node for the identification number, and the reserved credit is confirmed by the associated provider node to the third network subscriber node via the fourth communication network; a transaction number is generated and the transaction number is transmitted from the third network subscriber node to the second terminal at the first network subscriber node via the*

Art Unit: 3621

second communication network; the transmitted transaction number is input into the first terminal at the first network subscriber node and the input transaction number is transmitted to the third network subscriber node via the third communication network; the transmitted transaction number is verified by the third network subscriber node by comparing it with the transaction number generated previously by the third network subscriber node; and the credit reserved by the associated service provider node is confirmed by the third network subscriber node to the second network subscriber node via the third communication network; a data interchange is performed between a first network subscriber node and a second network subscriber node with a first terminal at the first network subscriber node via a first communication network for stipulating transaction data for the transaction; an identification number for a second terminal at the first network subscriber node in a second communication network, different than the first, is input into the first terminal at the first network subscriber node by the first network subscriber node; the identification number and the transaction data are transmitted from the first network subscriber node to a third network subscriber node via a third communication network; the validity of the identification number is verified by the third network subscriber node, and an associated service provider node from a plurality of service provider nodes registered with the third network subscriber node is identified using the identification number; the verified identification number and the transaction data are transmitted from the third network subscriber node to the associated service provider node via a fourth communication network; a credit stipulated by the transmitted transaction data is reserved at the associated service provider node for the second

Art Unit: 3621

network subscriber node by debiting an account at the first network subscriber node, which account is managed at the associated service provider node for the identification number, and the reserved credit is confirmed by the associated provider node to the third network subscriber node via the fourth communication network; a transaction number is generated and the transaction number is transmitted from the associated service provider node to the second terminal at the first network subscriber node via the second communication network; the transmitted transaction number is input into the first terminal at the first network subscriber node and the input transaction number is transmitted to the third network subscriber node via the third communication network; the transmitted transaction number is forwarded from the third network subscriber node to the associated service provider node via the fourth communication network; the transmitted transaction number is verified by the associated service provider node by comparing it with the transaction number generated previously by the associated service provider node; the verified transaction number is confirmed by the associated service provider node to the third network subscriber node via the fourth communication network; and the credit reserved by the associated service provider node is confirmed by the third network subscriber node to the second network subscriber node via the third communication network; conclusion of the transaction is confirmed by the second network subscriber node to the third network subscriber node via the third communication network; conclusion of the transaction is confirmed by the third network subscriber node to the associated service provider node via the fourth communication network; and the credit reserved to the second network subscriber node is posted by

Art Unit: 3621

the associated service provider node.” However, Applicant has not positively recited any methods steps above. Those steps just describe how the “data interchange is performed” (in passive form, and the step does not necessarily perform any data interchange!) instead of “performing ...” (in positive form), how the “identification number is inputted into the first terminal” instead of “inputting ...”, etc.

All other claims, i.e., claims 23-32, 34-39 are also rejected under 35 U.S.C. 112, second paragraph, for the same reason as above, by dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 3621

Claims 20, 21, 23-32, 34-39 are rejected under 35 U.S.C. 102(e) as being anticipated by US **2004/0039651 A1 (Grunzig et al.)**; hereafter “Grunzig”).

Grunzig discloses a method for carrying out an electronic transaction, having the following steps:

a data interchange is performed between a first network subscriber node and a second network subscriber node with a first terminal at the first network subscriber node via a first communication network for stipulating transaction data for the transaction; an identification number for a second terminal at the first network subscriber node in a second communication network, different than the first, is input into the first terminal at the first network subscriber node by the first network subscriber node; the identification number and the transaction data are transmitted from the first network subscriber node to a third network subscriber node via a third communication network; the validity of the identification number is verified by the third network subscriber node, and an associated service provider node from a plurality of service provider nodes registered with the third network subscriber node is identified using the identification number; the verified identification number and the transaction data are transmitted from the third network subscriber node to the associated service provider node via a fourth communication network; a credit stipulated by the transmitted transaction data is reserved at the associated service provider node for the second network subscriber node by debiting an account at the first network subscriber node, which account is managed at the associated service provider node for the identification number, and the reserved credit is confirmed by the associated provider node to the third network subscriber node via

Art Unit: 3621

the fourth communication network; a transaction number is generated and the transaction number is transmitted from the third network subscriber node to the second terminal at the first network subscriber node via the second communication network; the transmitted transaction number is input into the first terminal at the first network subscriber node and the input transaction number is transmitted to the third network subscriber node via the third communication network; the transmitted transaction number is verified by the third network subscriber node by comparing it with the transaction number generated previously by the third network subscriber node; and the credit reserved by the associated service provider node is confirmed by the third network subscriber node to the second network subscriber node via the third communication network; a data interchange is performed between a first network subscriber node and a second network subscriber node with a first terminal at the first network subscriber node via a first communication network for stipulating transaction data for the transaction; an identification number for a second terminal at the first network subscriber node in a second communication network, different than the first, is input into the first terminal at the first network subscriber node by the first network subscriber node; the identification number and the transaction data are transmitted from the first network subscriber node to a third network subscriber node via a third communication network; the validity of the identification number is verified by the third network subscriber node, and an associated service provider node from a plurality of service provider nodes registered with the third network subscriber node is identified using the identification number; the verified identification number and the transaction

Art Unit: 3621

data are transmitted from the third network subscriber node to the associated service provider node via a fourth communication network; a credit stipulated by the transmitted transaction data is reserved at the associated service provider node for the second network subscriber node by debiting an account at the first network subscriber node, which account is managed at the associated service provider node for the identification number, and the reserved credit is confirmed by the associated provider node to the third network subscriber node via the fourth communication network; a transaction number is generated and the transaction number is transmitted from the associated service provider node to the second terminal at the first network subscriber node via the second communication network; the transmitted transaction number is input into the first terminal at the first network subscriber node and the input transaction number is transmitted to the third network subscriber node via the third communication network; the transmitted transaction number is forwarded from the third network subscriber node to the associated service provider node via the fourth communication network; the transmitted transaction number is verified by the associated service provider node by comparing it with the transaction number generated previously by the associated service provider node; the verified transaction number is confirmed by the associated service provider node to the third network subscriber node via the fourth communication network; and the credit reserved by the associated service provider node is confirmed by the third network subscriber node to the second network subscriber node via the third communication network; conclusion of the transaction is confirmed by the second network subscriber node to the third network subscriber node via the third

Art Unit: 3621

communication network; conclusion of the transaction is confirmed by the third network subscriber node to the associated service provider node via the fourth communication network; and the credit reserved to the second network subscriber node is posted by the associated service provider node (see at least **Abstract, paragraphs 0001, 0002, 0008, 0010, 0012, 0015 - 0024, 0026 - 0045**).

Response to Arguments

Applicant's arguments, see Amendment, filed 03/13/2009, with respect to the rejection of claims 1-20 under Yates (US 2004/0064406 A1) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 20030097342 A1

US 20030110137 A1

US 20040230536 A1

US 7328844 B2

Examiner has cited particular columns and line numbers and/or paragraph and/or page numbers in the prior arts of record as applied to the claims above in the body of

Art Unit: 3621

this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to fully consider the references in its **entirety** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The

Art Unit: 3621

examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.

For **official/regular communication**, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

For **informal/draft communication**, the fax number is **(571) 273-7066**
(Rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

NANCY T. LE
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621